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FILED ENTERED	RECEIVED SERVED ON COUNSEL PARTIES OF RECORD
AUG - 4 2010	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JUDY KROSHUS, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

3:08-cv-246-LDG-RAM

ORDER ON (# 460)
MOTION FOR ORDER PROVIDING
FOR CLAWBACK OF INFORMATION
INADVERTENTLY DISCLOSED

ALICIA UHOUSE, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, et al.,

Defendants.

3:08-cv-0285-LDG-RAM

ORDER ON (# 217)
MOTION FOR ORDER PROVIDING
FOR CLAWBACK OF INFORMATION
INADVERTENTLY DISCLOSED

BILL ADAMSON et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

3:08-CV-621-LDG-RAM

ORDER ON (# 93)
MOTION FOR ORDER PROVIDING
FOR CLAWBACK OF INFORMATION
INADVERTENTLY DISCLOSED

1 LARRY J. MOORE, et al.,) 3:09-CV-167-LDG-RAM
 2)
 3 Plaintiffs,)
 4 v.) ORDER ON (# 81)
 5 UNITED STATES OF AMERICA,) MOTION FOR ORDER PROVIDING
 6 Defendant.) FOR CLAWBACK OF INFORMATION
) INADVERTENTLY DISCLOSED

7 JAMES ADGETT, et al.,) 3:09-CV-649-LDG-RAM
 8)
 9 Plaintiffs,)
 10 v.) ORDER ON (# 42)
 11 UNITED STATES OF AMERICA,) MOTION FOR ORDER PROVIDING
 12) FOR CLAWBACK OF INFORMATION
 13) INADVERTENTLY DISCLOSED

14 JUDY KROSHUS, et al.,) 3:09-CV-713-LDG-RAM
 15)
 16 Plaintiffs,)
 17 v.) ORDER ON (# 111)
 18 UNITED STATES OF AMERICA, et) MOTION FOR ORDER PROVIDING
 19 al.,) FOR CLAWBACK OF INFORMATION
 20) INADVERTENTLY DISCLOSED
 21 Defendants.)

22 BILL ADAMSON et al.,)
 23)
 24 Plaintiffs,) 3:09-cv-715-LDG-RAM
 25 v.)
 26 UNITED STATES OF AMERICA,) ORDER ON (# 48)
 27) MOTION FOR ORDER PROVIDING
 28 Defendant.) FOR CLAWBACK OF INFORMATION
) INADVERTENTLY DISCLOSED

24 This matter came on for hearing before the Court on August
 25 3, 2010. There being no objection to the proposed order and good
 26 cause appearing therefor, IT IS HEREBY ORDERED AS FOLLOWS:

1 1. It is recognized that the prosecution
2 and defense of these related actions will
3 require each party to review and to disclose
4 large quantities of information and documents
5 through the discovery process. As a result,
6 documents and images of documents already
7 deposited or to be deposited with Sunshine
8 Litigation Services ("Sunshine")
9 inadvertently could include materials subject
10 to privilege or other legally recognized
11 protection (hereinafter "privileged
12 information") and therefore not subject to
13 disclosure in discovery. Such inadvertent
14 disclosure of privileged information or
15 documents is possible despite due diligence
16 and reasonable care taken to protect
17 privileged information.

18 2. Any party who has deposited materials
19 with Sunshine may request the other parties
20 to return privileged documents inadvertently
21 produced with non-privileged documents. Such
22 a request shall identify the document with
23 particularity and state the privilege or
24 protection being asserted and the basis for
25 the asserted claim.

26 3. Any party who has deposited
27 materials with Sunshine may assert a claim of
28 privilege after receiving notice that another
29 party intends to refer to, quote, cite, rely
30 upon or otherwise use the material or
31 information contained therein. In asserting
32 such a claim of privilege, the depositing
33 party shall at a minimum identify the
34 document with particularity and state the
35 privilege or protection being asserted and
36 the basis for the asserted claim. Such a
37 claim shall be made in a timely manner so
38 that the claim of privilege may be challenged
39 and any such challenge resolved without undue
40 delay. A claim of privilege made within 21
41 days after receiving such a notice shall be
42 regarded as timely.

43 4. If a party does not agree with the
44 assertion of a claim of privilege by a
45 depositing party under paragraphs 2 or 3, it
46 shall notify the depositing party within 14
47 days after the receipt of the claim of
48 privilege. The depositing party may, after
49 meeting and conferring as required by

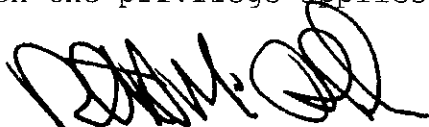
1 applicable rules, move the court for a
2 determination of that claim. The failure of
3 the depositing party to file such a motion
4 within 30 days after receiving notification
5 by another party of a disagreement regarding
6 a claim of privilege shall operate as a
7 waiver of the claim.

8 5. Once a document or information has
9 been identified as privileged in accordance
10 with paragraphs 2 or 3, no party shall in any
11 way copy, reproduce, refer to, quote, cite,
12 rely upon or otherwise use in any manner, any
13 such document or its contents in any
14 proceeding unless and until the Court
15 determines that the document is not protected
16 from discovery or the depositing party
17 withdraws or waives the claim of privilege
18 (except that the document or information may
19 be identified or produced, under seal or in
20 camera, in connection with a motion regarding
21 the validity of the claim of privilege).

22 6. If the claim of privilege is upheld
23 by the Court or the receiving party does not
24 challenge the claim of privilege, all copies
25 of the privileged documents so identified
26 shall be returned to the depositing party and
27 counsel for each party shall certify in
28 writing to counsel for the depositing party
that all such documents have been returned.

7. Inadvertent disclosure of any
information or document which the depositing
party later claims should not have been
disclosed because of any privilege will not
be deemed to constitute a waiver of the
privilege. No parties shall claim or
otherwise urge the Court to deem a privilege
to have been waived solely on the basis of
the inadvertent disclosure of the information
or documents to which the privilege applies.

23 Date: Aug. 4, 2010


ROBERT A. McQUAID, JR.
United States Magistrate Judge

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing (proposed) ORDER ON MOTION FOR ORDER PROVIDING FOR CLAWBACK OF INFORMATION INADVERTENTLY DISCLOSED was made through the Court's electronic filing and notification or by sending a copy thereof by electronic mail from Reno, Nevada, addressed to the following addressee(s) on August 3, 2010.

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